

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:

RULE AMENDMENTS GOVERNING) Administrative Cause
HUNTING AND FISHING ALONG WITH) Number 12-071D
OTHER MISCELLANEOUS FISH AND) (LSA Document #12-403(F))
WILDLIFE MATTERS)

**REPORT ON RULE PROCESSING, CONSIDERATION OF PUBLIC COMMENTS,
ANALYSIS AND RECOMMENDATION REGARDING FINAL ADOPTION**

1. RULE PROCESSING

For consideration is a proposal to amend multiple and varied fish and wildlife rules. The amendments proposed at 312 IAC 9-2-9 and 312 IAC 9-3-14 offer clarifications relating to the chasing of wild animals.

The proposal would add license requirements at 312 IAC 9-4-2 for taking waterfowl and at 312 IAC 9-4-5 add a season for taking Lesser Snow geese and Ross's geese as well as add license requirements for taking geese. Rusty's Blackbirds would be removed from the list of species that may be taken without a permit and the Monk Parakeet would be added as an exempt bird species through the amendments proposed for 312 IAC 9-4-7.2 and 312 IAC 9-4-15, respectively.

Amendments addressing locations where fishing may occur, the means by which fishing may occur as well as certain species specific requirements or allowances are included in the proposal at 312 IAC 9-6-1, 312 IAC 9-6-6, 312 IAC 9-7-2, 312 IAC 9-7-3, 312 IAC 9-7-12 and 312 IAC 9-7-16. Most notable of these amendments is the addition of multiple methods of taking Asian Carp, the ability to use crossbow and bowfishing equipment for certain fish species on all rivers and streams at specified times , amendments regarding size limits for Walleye taken from the Elkhart River, the elimination of a daily bag limit for lake trout, and the prohibition on taking Channel Catfish from Gibson Lake.

Also included in this proposal are technical amendments associated with mussel harvesters and buyers' licenses and the addition of the Rayed Bean as an endangered species of mussel.

The proposed amendments would also clarify requirements and eliminate application deadlines associated with the special hunting permit for people with disabilities under 312 IAC 9-10-10.

The Natural Resources Commission (*NRC*) granted preliminary adoption of this rule amendment proposal on May 15, 2012.

The "Notice of Intent" to adopt the proposed rule amendment was posted to the INDIANA REGISTER database website as 20120711-IR-312120403NIA on July 11, 2012. The notice identified Linnea Petercheff, Department of Natural Resources, Division of Fish and Wildlife, as the "small business regulatory coordinator" for purposes of Indiana Code § 4-22-2-28.1.

The Commission caused the information required by I.C. 4-22-2-22.5 to be included within the rulemaking docket maintained on the its Internet website.

As specified by Executive Order, fiscal analyses of the rule proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent, to the Office of Management and Budget on July 20, 2012. In a letter dated August 20, 2012, Adam. M. Horst, Director, Office of Management and Budget, recommended that the proposed rule amendments be approved.

A copy of the economic impact analysis for small business was submitted to the Indiana Economic Development Commission (the "IEDC") on September 20, 2012. Eric P. Shields, Policy Director for the IEDC, reviewed the analysis and reported favorably to the Commission by an email letter dated November 27, 2012. Later on the same day, the Commission's Division of Hearings, by email, thanked the IEDC. The response stated in part: "Since you have commented favorably upon the agency's fiscal analysis, and have suggested no alternatives, it will recommend that the Natural Resources Commission move forward with consideration for final adoption." The IEDC's comments were posted to the Commission's Website on November 29, 2012 at <http://www.in.gov/nrc/2377.htm>, and were also made available at the public hearing.

The NRC Division of Hearings submitted the rule proposal to the Legislative Services Agency (LSA) along with the “Statement Concerning Rules Affecting Small Business” (also known as the “Economic Impact Statement”) on September 12, 2012. The Notice of Public Hearing was submitted to LSA on September 20, 2012. The Notice of Public Hearing, along with the Economic Impact Statement and the text of the proposed rule was posted to the INDIANA REGISTER database website on September 26, 2012 as 20120926-IR-312120403PRA. Following receipt of an “Authorization to Proceed” from LSA on September 20, 2012, the NRC Division of Hearings also caused a Notice of Public Hearing to be published by the Indianapolis Newspapers, a newspaper of general circulation in Marion County, Indiana, on October 5, 2012. In addition, notice of the public hearing and a summary of the proposed rule changes were published on the NRC’s web-based electronic calendar.

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

A public hearing was conducted as scheduled on December 6, 2012 at the Plainfield Indiana Public Library. Sandra Jensen served as the hearing officer. Mark Reiter, Linnea Petercheff, Bill James and James Kershaw participated on behalf of the Department’s Division of Fish and Wildlife. Lt. Col. Steve Hunter participated on behalf of the Department’s Division of Law Enforcement. Eight members of the public attended the public hearing. The individuals in attendance offered verbal comments and submitted three written comments. A summary of the verbal comments received at the public hearing as well as the written comments submitted at the public hearing have been attached and incorporated by reference as Exhibit A.

b) Comments Received Outside Public Hearing

An opportunity was provided for the public to submit written comments from approximately May 2012 until December 6, 2012. The written comments received outside of the public hearing are included and incorporated by reference as Exhibit B.¹

c) Response by the Department of Natural Resources

The Department offered a written response to the public comments on December 18, 2012. A copy of the Department's response is attached as Exhibit C, which is incorporated by reference.

3. ANALYSIS AND RECOMMENDATION

The proposed amendments address a broad range of subject matter including the taking of birds, fishing, the chasing of wild animals, permits for people with disabilities and endangered species. One comment offers support for the amendment to 312 IAC 9-10-10 governing hunting permits for people with disabilities and another comment offers a suggested revision to the amendment proposed at 312 IAC 9-6-6 associated with fishing near the sea lamprey control barrier on Trail Creek. However, the vast majority of the comments focus on opposition to the amendments proposed for 312 IAC 9-7-2 governing bowfishing.

With respect to fishing on Trail Creek, Michael Ryan notes that a concentration of migrating fish develops at the sea lamprey control barrier which "makes the fish particularly vulnerable to illegal snagging and other means of poaching." Mr. Ryan suggested that the amendment proposed at 312 IAC 9-6-6(6) be revised to mirror language that was established through a temporary rule posted to the INDIANA REGISTER database website as 20121031-IR-312120585ERA.

In its response, the Department concurred with Mr. Ryan's suggestion, proposing that the amendment to 312 IAC 9-6-6(6) be revised to:

- (6) On or along Trail Creek in Michigan City in LaPorte County from either of these locations:**
- (A) Within one hundred (100) feet upstream (generally southeasterly) of the sea lamprey control barrier.**

¹ The comment period closed on December 6, 2012 as was announced at the public hearing and as is posted to the Natural Resources Commission's website at <http://www.in.gov/nrc/2377.htm>. Several comments received after December 6, 2012 are not included in this report.

(B) From the sea lamprey control downstream (generally northwesterly) to the Pottawatomie Country Club Golf Course property line, which is located adjacent to Springland Avenue.

The comments received in opposition to the proposed amendments at 312 IAC 9-7-2 focus on subsections (m) and (p). Many of the comments reflect a misunderstanding of the proposed amendments offering the belief that by striking the words “bowfishing equipment” from subsection (m) all bowfishing throughout the State of Indiana will be prohibited. However, at present, subsection (m) allows bowfishing for certain species only in the eight streams listed in (m) (1 -8) while bowfishing in any other stream is not addressed. However, the addition of subsection (p) clearly authorizes bowfishing for the species specified on all rivers and streams in the State of Indiana. With respect to these comments there is no revision necessary to accomplish what the individual commenters are seeking, which is authority to engage in bowfishing.

However, as published the newly added subdivision (p)(2) would limit all bowfishing to hours between sunrise and sunset on any river or stream, regardless of the size of the river or stream. The comments reflect that bowfishing most frequently occurs at night and the proposed restriction will be detrimental to the sport. Additionally, the comments explain that bowfishing is allowed for species such as Asian Carp, which are invasive and cause significant damage, noting the need to utilize all means of control. The comments further convey that fish are difficult to see in the murky water during the daytime but are seen with ease at night with the aid of illumination, which is lawful, and that the amendment will essentially result in the elimination of bowfishing tournaments that presently occur in Indiana because the tournaments occur at night.

Some of the comments seek to have bowfishing allowed for the specified species day or night on the eight streams identified in subsection (m)(1 – 8), while others seek to have bowfishing allowed on any stream during the day or night.

The Department concurred with the individuals offering comments noting several reasons to support a revision of the language at subsection (p) to the following:

(p) An individual may use bowfishing equipment or a crossbow on rivers and streams to take any sucker, carp, Asian carp, gar, bowfin, buffalo, or shad.

This proposed revision will have the effect of allowing bowfishing for the identified species on all rivers and streams at any time of day or night.

The proposed revisions are within the scope of the rules and are supported by written comments from the public. It is recommended that the proposal with the noted revisions, which have been included in the rule language attached to this report and incorporated by reference as Exhibit D, be granted final adoption.

Dated: December 18, 2012

Sandra L. Jensen
Hearing Officer

EXHIBIT A

Summary of Oral Comments

Tim Escott, Brazil, IN

Escott, referencing the Indiana Fishing Guide, noted that presently bow fishing is allowed on “large streams (1500 cfs minimum flow)” all year either “day or night”, whereas bow fishing is allowed on “small streams (less than 1500 cfs minimum flow)” only from “sunrise to sunset”. Escott observed that under the proposed amendments to 312 IAC 9-7-2(m) & (p) bow fishing on all streams would be limited to hours between sunrise and sunset. Escott explained that bow fishing at night on the large streams, as identified in subsection (m), should continue to be allowed.

Escott also noticed that in subsection (m) that bow fishing is stricken out for purposes of fishing on the streams and for the species listed in that subsection. He noted his understanding that this would eliminate bow fishing on those waters for those species and expressed the opinion that this amendment should not be made.

All other individuals in attendance for the public hearing echoed the sentiments expressed by Escott. Those individuals are identified as follows:

Brad Weimer, Avon, IN
Ryan Frauhiger, Indianapolis, IN
Randy McEnulty, Cloverdale, IN
Brad Stahl, Indianapolis, IN
Evan Miller, Indianapolis, IN
Gregory Ringer, Camby, IN
Josie Thompson, Noblesville, IN

Gregory Ringer, Camby, IN

In addition to his agreement with the comment of Escott, Ringer added that night bow fishing should also be allowed on the smaller streams. He explained that he presently bow fishes at night by wading White Lick Creek and questioned the legality of his activities. He explained that the change sought by Escott to retain night bow fishing on the larger streams identified in 312 IAC 9-7-2(m) would not address his desire to be allowed to night fish on smaller streams like White Lick Creek. Ringer added that the fish are easier to see at night with illumination so there is little concern for the mistaken identity of fish species. He also stated that if the prohibition on night fishing smaller streams relates to enforcement then the penalties should be stiffened instead of prohibiting the activity for everyone. Ringer concluded with the observation that many people who like to bow fish do not have the boats necessary to bow fish on the larger streams and for that reason they will likely move from the small streams to the lakes and reservoirs thereby placing undue pressure on those populations. Furthermore, the prohibition

eliminates an opportunity for some people to engage in a form of sport fishing that is available to those who have the boats necessary to bow fish on the larger streams.

*Please Note: Department of Natural Resources, Division of Fish and Wildlife representatives offered some explanation and background regarding the proposed rule amendments. Those discussions are not reflected in this summary of the public comments received.

Written Comments Received During the Public Hearing

To whom it may concern:

AMS Bowfishing is sending this letter to the State of Indiana in support of the thousands of bowfishermen and bowfisherwomen along with thousands of non-residents who travel to Indiana each year that bowfish Indiana waters.

The bowfishing from sunrise to sunset proposal restricts countless hours that bowfishermen and women can have on the water. The majority of bowfishing is done under the lights for good reason. The rough fish are easier to see, not as spooked, less boat traffic and rough fish tend to travel in shallower water making them more visible. Night time bowfishing is a great way to help rid the waters of invasive species creating better habitat for native fish and zooplankton will be available to the young fish fry that the invasive fish feed on.

The new proposed laws make it very difficult for a non-resident and residents alike to follow and understand. The sport of bowfishing has gained tremendous popularity the last three years. Teams along with friends and family travel all over attending bowfishing tournaments, bowfishing for the sport, bowfishing for the excitement and for the love of the outdoors. Bowfishing is great for communities as it generates business for local gas stations, motels, restaurants, sport shops and the sales of fishing license for resident and non-resident.

We support the Indiana bowfishermen and women that enjoy the sport. We ask that you keep an open mind when considering making rule changes so the sport of bowfishing can be enjoyed in the great State of Indiana.

Thank you for your Time
Mathew Schillinger
AMS Bowfishing
Public Relations Manager

Wisconsin

December 6, 2012

To Whom It May Concern:

I am writing to you to ask that you allow bow-hunters to continue to hunt/fish at night on Rivers and Lakes. This is a growing sport and by not allowing this on Rivers you are hurting Indiana Bowhunters for the following reasons.

It helps eliminate trash fish from our resources enabling other fish to prosper. Bowfishing is a legal and helpful method of helping fish such as Bass to have a clearer environment. Trash fish muddy the water.

Bowfishing tournaments bring in people from all over the Country to compete in tournaments. This helps local economies by them using our hotels and restaurants along w/ purchasing any supplies they need. As I mentioned this is a growing sport so by not allowing this on our Rivers, these pro Bowhunters will go elsewhere and take their funding with them.

I have met so many wonderful people who bowhunter. Fathers and Sons. Entire families of men who bowhunt. My daughter who is eleven loves to go with my Husband. It is a fun and wonderful family experience.

I ask that you not restrict this wonderful sport. Bowhunting during the day only will hurt this amazing sport and our economy.

Regards,
Rusty Ann Frauhiger

Noblesville, IN

Please strongly reconsider the proposed changes to IAC 9-7-2 Sec. 2, (m) and (p)2. These proposed changes will be a huge step backwards to the growth and participation of the sport of bowfishing in the state of Indiana. Recreational and competitive bowfishing is growing at a very fast rate nationwide. The benefit states see from this is both economical and ecological. As you know the fertility rate and migration of invasive species is rapid and harmful to our waterways. Removing available areas as outlined in sec. 2 (m) and restricting streams and rivers to day fishing only, as outlined in sec. 2 (p,2) greatly reduces the opportunity for bowfishermen to remove these species from your waterways, as night time bowfishing is without a doubt the best time for bowfishing. A large majority of bowfishing tournaments held in your state are night tournaments. Many people are traveling from out of state to these events. Some staying for several days, spending money on hotels, gas, food, etc. I personally have attended some of these events along with my two team mates in 2012. I would like to say I will do so again in the future, but it will likely depend on the outcome of these proposed changes. I know other non residents who feel the same. Please work with us, not against us, to advance the sport in Indiana!

Sincerely,

BAA W.V. State Rep
Rob Law

EXHIBIT B

Commenter Name Ron Nowaczynski

City Warsaw **County** 43 **State** IN

E-Mail Address Bigfishchaser@comcast.net

Comments I disagree with 312 IAC 9-7-2 Sport fishing methods, except on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22 Section 2 (k) An individual must not fish the waterways described in subsection (j) or from the St. Joseph

River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County) with more than one (1) single hook per line or one (1) artificial bait or harness for use with live bait. Single hooks, including those on artificial baits, shall not exceed one-half (1/2) inch from point to shank. Double and treble hooks on artificial baits shall not exceed three-eighths (3/8) inch from point to shank.

I believe this should be aligned with Michigan's rule as this is only in effect in MI from August 1 through May 31. I understand what this rule is for, BUT it is nearly IMPOSSIBLE to fish with live bait for muskies, pike, or large catfish with a hook this small. Nearly every bass spinnerbait (a bait that is IMPOSSIBLE to snag a fish with) has a hook larger than this. PLEASE use some common sense with this rule as the people snagging fish are breaking the law and won't abide by this law ANYWAY while the law abiding sportsmen are PENALIZED before they even start. You cannot snag fish with a circle hook either, no matter how large it is. Any way you could exempt those? PLEASE don't leave this up to "Officer discretion" as that leads to confusion with some people getting away with things they shouldn't and vice versa. Nobody wants anyone snagging fish, but PLEASE allow us to catch the great fish in this river without looking over our shoulder!!

Comment Received 6/17/2012 6:15:18 AM

Commenter Name SHIPMAN

City PEKIN **County** WASHINGTON **State** Indiana

E-Mail Address shopman@wcrtc.net

Comments THIS RULE MAKES SENSE TO ME

Comment Received 9/4/2012 2:16:00 PM

Commenter Name Rob Law

City Washington **County** Out of State **State** WV

Organization (optional) Bowfishing Association of America

E-Mail Address wvroblaw@gmail.com

Comments Please strongly reconsider the proposed changes to IAC 9-7-2 Sec. 2, (m) and (p)2. These proposed changes will be a huge step backwards to the growth and participation of the sport of bowfishing in the state of Indiana. Recreational and competitive bowfishing is growing at a very fast rate nationwide. The benefit states see from this is both economical and ecological. As you know the fertility rate and migration of invasive species is rapid and harmful to our waterways. Removing available areas as outlined in sec. 2 (m) and restricting streams and rivers to day fishing only, as outlined in sec. 2 (p,2) greatly reduces the opportunity for bowfishermen to remove these species from your waterways, as night time bowfishing is without a doubt the best time for bowfishing. A large majority of bowfishing tournaments held in your state are night tournaments. Many people are travelling from out of state to these events. Some staying for several days, spending money on hotels, gas, food, etc. I personally have attended some of these events along with my two team mates in 2012. I would like to say I will do so again in the future, but it will likely depend on the outcome of these proposed changes. I know other non residents who feel the same. Please work with us, not against us, to advance the sport in Indiana!

Comment Received 11/3/2012 1:38:18 PM

Commenter Name Michael Ryan

City Chesterton **County** PORTER **State** Indiana

Organization (optional) Northwest Indiana Steelheaders

E-Mail Address skamania@nwsteelheaders.org

Comments "No Fishing within 100 feet above (south) the sea lamprey barrier structure and No fishing from the barrier structure downstream (north) to the Pottawatomie Country Club Golf course private property line located at Springland Avenue on Trail Creek in Michigan City."

The aforementioned language covers roughly 120 feet downstream to the adjacent property owner. By including the 20 foot area under the bridge it will allow the migrating fish the opportunity to stage and jump the barrier and also eliminate an area which may cause some related issues to the closed area when anglers cast baits into that section

A fishing closure has been established by emergency rule to protect migrating trout and salmon near the new sea lamprey barrier that was completed in April of this year on Trail Creek in Michigan City. The rule which took effect on October 26, 2012, and prohibits the taking or possession of fish within one hundred (100) feet upstream of the barrier or from the barrier downstream to the Pottawatomie Country Club Golf Course property line located adjacent to Springland Avenue in Michigan City. As migrating fish approach the barrier, a concentration of fish develops. Some fish jump over the barrier and others are directed into a trap. This makes the fish particularly vulnerable to illegal snagging and other means of poaching.

I feel that the language in the proposed Permanent rule should match that in the emergency rule established in October of 2012 for a one year period.

Michael J Ryan President Northwest Indiana Steelheaders
Indiana Sportfishing Advisor Great Lakes Fishery Commission

Comment Received 11/21/2012 3:08:52 PM

Commenter Name Woody Williams

City Newburgh **County** WARRICK **State** Indiana

Organization (optional) Hunt-Indiana.com

E-Mail Address asats@wowway.com

Comments I am in complete agreement with allowing the use of a crossbows to take rough fish. We need to take the Asian Carp by any means possible..Once these carp get a toehold we will never get rid of them.

Thanks..

Comment Received 11/28/2012 1:55:08 PM

Commenter Name Tyler Staggs

City Noblesville **County** HAMILTON **State** Indiana

E-Mail Address tyler_staggs@hotmail.com

Comments In regards to:

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

I support the addition of a crossbow as legal equipment for bowfishing. I disagree that bowfishing, especially for nuisance species and Asian carp, should be limited to between sunrise and sunset. These species are causing extreme damages and changes to Indiana's waterway. In my opinion, any effort to limit the time for or method of take is shortsighted. These should not be treated even close to any sport species, but like the unprotected terrestrial/avian species. Though I would limit it to Asian carp, I think any method of take, to include firearms should be allowed. If these species are causing the trouble that is being purported it does not make sense to me to limit any method or time for the taking of these species.

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

I also applaud the inclusion of nurse practioners as being able to diagnos issues for disabled sportsmen. This is a good common sense addition since most of us are seen my a NP at either a doctor's office, clinic, or hospital.

Comment Received 11/28/2012 2:25:09 PM

Commenter Name Ryan

City Fort Wayne **County** ALLEN **State** Indiana

E-Mail Address subzero350@frontier.com

Comments Crossbows SHOULD BE legal equipment for bowfishing in lakes, rivers, and streams.

Comment Received 11/28/2012 7:31:40 PM

Commenter Name Ryan

City Fort Wayne **County** ALLEN **State** Indiana

E-Mail Address subzero350@frontier.com

Comments Bowfishing should be allowed 24 hours a day on lakes, rivers, and streams. Crossbows should be legal bowfishing equipment. My family has a lake property in NE Indiana and we regularly see too many carp in our lake and channels, especially after dark.

The dawn to dusk rule (premitting bowfishing only from dawn to dusk) should be eliminated. The carp don't usually come into the channels until after dark.

Comment Received 11/28/2012 7:50:15 PM

Commenter Name Tim Escott
City Brazil **County** CLAY **State** IN
E-Mail Address tj_escott@hotmail.com
Comments On page 11 section "m" the wording of "Bowfishing equipment" is lined out. This needs to be reinstated because that would make Bowfishing illegal on the following river sections that are listed below in lines 1-8 in section "m"

In section "P" line "2" the proposed law will eliminate night time bowfishing. Should be stated as All year day or night.
Comment Received 12/6/2012 9:21:15 PM

Commenter Name Gregory L. Ringer
City Camby **County** MARION **State** Indiana
Organization (optional) Redwater Bowfishing
E-Mail Address greg.ringer@yahoo.com
Comments I do not agree with restricting the locations at which one is permitted to bowfish at night to only big water ways or even at all. If you can rod and reel fish you should be able to bowfish. I understand the concern of shooting game fish but i believe this can be controlled by harsher punishment for illegally shooting a fish better than restricting the times that you are allowed to bowfish. While bowfishing at night you can actually identify what the fish are much easier at than during the day. The fish do not act any different at night than they do during the day. The bass still dart off and the carp still pause before spooking. If it is the fragile ecosystems in smaller waterways that your concerned with than you would want more harvesting of the trash fish hurting the ecosystem in the smaller streams, not less.
Comment Received 12/6/2012 9:33:16 PM

Commenter Name James Morris
City Brookston **County** WHITE **State** Indiana
E-Mail Address Jolleygreen07@yahoo.com
Comments Not to allow people to bowfish at night will stop 90% of all bowfishing do to the water not being clean enough to see during the day. Bowfishing is a way I my wife and friends spend time together. If this rule takes effect then this will no longer be the case.
Comment Received 12/6/2012 10:06:28 PM

Commenter Name Mike McCombie
City Mansfield **County** JASPER **State** Ga
Organization (optional) Bowfishingcountry
E-Mail Address Mike@bowcountry.com
Comments Do not make night bowfishing illegal. Night bowfishing represents a large percentage of this very important sport and invasion species population control
Comment Received 12/6/2012 10:13:25 PM

Commenter Name Derrick
City Bryan **County** ADAMS **State** texas
E-Mail Address dmckkw@aol.com
Comments bow fishing at night on rivers is a great way to reduce invasive fish species. rivers are highways that fish can use to move across the entire nation. for many invasive species, bow fishing is the only way to make a positive impact on population control. bow fishing at night also greatly increases the odds of success.
Comment Received 12/6/2012 10:17:53 PM

Commenter Name Gloria McCombie
City Mansfield **County** JASPER **State** Ga
Organization (optional) Bowfishingcountry.com
E-Mail Address Gloriamccombie@yahoo.com
Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".
Comment Received 12/6/2012 10:20:43 PM

Commenter Name Shawn Veitz
City Louisville **County** Out of State **State** Kentucky
E-Mail Address outdoorsman_3@hotmail.com
Comments page 11 section M and section P line 2 needs to be changed to include bowfishing at night. We travel to IN to bowfish at night. If this rule goes into affect we will not come into IN but we will stay in Kentucky. Bowfishing at night is when the invasive species such as the Asian carp come to the surface allow them to be shot. Please change this to include nighttime to keep the law as it is today.
Comment Received 12/6/2012 10:21:33 PM

Commenter Name Ben Paris

City Indianapolis **County** MARION **State** Indiana

E-Mail Address sloth1780@yahoo.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 10:23:28 PM

Commenter Name Brett Bogle

City Milan **County** Out of State **State** Tennessee

E-Mail Address Bmonster23@hotmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 10:34:01 PM

Commenter Name Brannon Sorensen

City York **County** Out of State **State** Nebraska

Organization (optional) Bowfishers of Nebraska

E-Mail Address sornybs@msn.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

As the President of Bowfishers of Nebraska I would like to share my displeasure for this new rule change. Today there are miles and miles of native water ways that are either already infested with Asian carp, or will be in the near future. This puts native species at risk, as these Asian invaders are eating them out of food. Any rule change that makes it harder for sportsmen to harvest these invasive species is just nonsense. I hope that the NRC will see the error in this proposal and make the right decision for sportsmen and the conservation of the state's waterways.

Thank you

Brannon Sorensen

President Bowfishers of NE

Comment Received 12/6/2012 10:40:03 PM

Commenter Name jd howard

City rochester **County** FULTON **State** indiana

E-Mail Address brownbelt26@hotmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

Comment Received 12/6/2012 10:48:51 PM

Commenter Name jeff howard

City rochester **County** FULTON **State** indiana

E-Mail Address jeffhoward26@gmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

Comment Received 12/6/2012 10:50:24 PM

Commenter Name Scott Johns

City Princeton **County** GIBSON **State** Indiana

E-Mail Address Scottbilly2008@hotmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 10:50:38 PM

Commenter Name Joe nichols

City Vine grove **County** Out of State **State** Kentucky

Organization (optional) Bowfishing Association of America

E-Mail Address Jtnicholsjr@yahoo.com

Comments On page 11, section M Bowfishing equipment is lined out and need to be reinstated. If not Bowfishing will be considered illegal on all rivers day and night.

ht.

Page 11, section P Line 2 that needs to be removed and restated as "day and night"

As an avid bowfishermen it is important to allow us to Bowfish in the river systems in Indiana. The removal of exotics and none native fish like the Asian carp. At night and by Bowfishing is one of the most effective ways.

Comment Received 12/6/2012 10:50:59 PM

Commenter Name Tony Liggett

City Cutler **County** CARROLL **State** Indiana

E-Mail Address tliggett@cacoshrf.com

Comments I am in SUPPORT of bowfishing and I am AGAINST the two proposed sections (M and T). I am a Deputy Sheriff, avid hunter, fisherman, and proud to include bowfishing in that list. The evasive species (specifically on the Wabash River) is becoming a growing problem. I am starting to fear injury while out on my boat with the growing Asian Carp in my area. By limiting the bowfishing community in any way will severely hurt their efforts rid the rivers of evasive species and their efforts to educate the public of this growing problem. It was through the efforts of local bowfishermen efforts that brought me to this great sport. I support bowfishing and recommend that you DO NOT make the rule changes proposed. (Sections M & T)

Comment Received 12/6/2012 10:58:02 PM

Commenter Name jd howard

City rochester **County** FULTON **State** indiana

E-Mail Address brownbelt26@hotmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 10:59:08 PM

Commenter Name jeff howard

City rochester **County** FULTON **State** indiana

E-Mail Address jeffhoward26@hotmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 11:00:26 PM

Commenter Name dawn howard

City rochester **County** FULTON **State** indiana

E-Mail Address dmote1980@hotmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 11:02:10 PM

Commenter Name Dustin Apple

City Salem **County** WASHINGTON **State** IN

E-Mail Address whiteriverrambo@hotmail.com

Comments Please add "bowfishing equipment" to Sec.2 M.

and in regards to Sec.2 P. please remove the section that says from "sunrise to sunset" this would destroy bowfishing. 90% of bowfishing is done in the dark. bowfishing is the best way to fight asian carp.

Comment Received 12/6/2012 11:02:29 PM

Commenter Name Randolph S. Parker

City Mount Vernon **County** POSEY **State** Indiana

E-Mail Address Bowfishingmadman@gmail.com

Comments The proposed change of no Bowfishing on rivers after dark will greatly reduce the number of Asian carp that are removed from Indiana waterways. It is much easier to target these invasive fish while they are feeding at night.

Comment Received 12/6/2012 11:02:52 PM

Commenter Name Joshua holdaway

City Lyons **County** GREENE **State** IN

E-Mail Address Jholdaway1@yahoo.com

Comments Please do not adopt the rule changes for bowfishing. This is a sport many Indiana sportsmen enjoy and it should be allowed to continue in any body of water.

Comment Received 12/6/2012 11:05:04 PM

Commenter Name Tyler White

City Sharon **County** Out of State **State** Wisconsin

Organization (optional) BFC

E-Mail Address tywhite87@gmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 11:12:55 PM

Commenter Name Tony Liggett

City Cutler **County** CARROLL **State** Indiana

E-Mail Address tliggett@cacoshrf.com

Comments I am in SUPPORT of bowfishing and I am AGAINST the two proposed sections (M and T)P I am a Deputy Sheriff, avid hunter, fisherman, and proud to include bowfishing in that list. The evasive species (specifically on the Wabash River) is becoming a growing problem. I am starting to fear injury while out on my boat with the growing Asian Carp in my area. By limiting the bowfishing community in any way will severely hurt their efforts rid the rivers of evasive species and their efforts to educate the public of this growing problem. It was through the efforts of local bowfishermen efforts that brought me to this great sport. I support bowfishing and recommend that you DO NOT make the rule changes proposed. (Sections M & P)

Comment Received 12/6/2012 11:15:41 PM

Commenter Name Taylor Stuessel

City Oakland **County** PIKE **State** IN

E-Mail Address tstuessel23@hotmail.com

Comments Bowfishing is my absolute favorite hobby and it would affect not only me but a lot of people in my community we all enjoy bowfishing at night. We go by the laws we only shoot the fish that were aloud. I don't understand what is it going to help by taking something like this away from us. Please I'm begging you! I'm trying my hardest to make a stand for this! My friends and I need this to still be able to this is out whole summer! This is all we do! There are so many worse things people are doing out there why is changin the bowfishing laws have to be one of them!? I know whoever is trying to change this law but you probably have never even gone bowfishing so think twice about something you love doing and imagine someone taking it away from you!! Please!

Comment Received 12/6/2012 11:18:39 PM

Commenter Name Lauren Hartke

City Princeton **County** GIBSON **State** IN

E-Mail Address laurenhartke@ymail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 11:20:35 PM

Commenter Name Darron

City Delphi **County** CARROLL **State** Indiana

E-Mail Address darrongiancola@yahoo.com

Comments I am in full support of bowfishing and am against the two proposed sections of M and P.

Comment Received 12/6/2012 11:20:46 PM

Commenter Name Doug Johns

City Princeton **County** GIBSON **State** Indiana

E-Mail Address Drsk@insightbb.com

Comments I do not agree with sport fishing rule changes for not allowing alumina ruin for night time bow fishing. Please do not allow thistle to be put in place. On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 11:32:36 PM

Commenter Name Tyler S.

City Brookston **County** WHITE **State** IN

E-Mail Address Tyjays1@aol.com

Comments First off, I disagree with not being able to use bow equipment after sunset. That is one of the best times to rid the water system of these nasty asian carp since they are a HUGE problem in our rivers! I have never had any issues with people doing this and have never gotten any calls since I am in Law Enforcement about fishing with a

bow after sunset.

Second- You need to keep bow fishing equipment available for use on the Tippecanoe River north of the Wabash River. We are trying to control the asian carp in this section and we get rid of MANY of these fish with the bow fishing equipment.

Comment Received 12/6/2012 11:33:47 PM

Commenter Name Josh Fouts

City Princeton **County** GIBSON **State** Indiana

E-Mail Address foutsy27@hotmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 11:37:10 PM

Commenter Name Clay Provines

City Auburn **County** DEKALB **State** Indiana

E-Mail Address clayprovines@hotmail.com

Comments I am against sections M&P that have to do with making bowfishing illegal. Bowfishing is one of the only effective ways to keepin adobe species from taking over indianas precious waters.

Comment Received 12/6/2012 11:39:07 PM

Commenter Name Brett J. Dennison

City Nashville **County** Out of State **State** Tennessee

E-Mail Address DaddyBeaz@gmail.com

Comments To Whom It May Concern,

I am 6 hours away in Tennessee but I visit Indiana frequently because that is where I was born and raised. When my friends and I come to Indiana we like to fish in the waters there as we do in Tennessee. We purchase our fishing licenses and abide by all rules and regulations. We have an issue with the Bowfishing rules.

We like to bowfish because it is a good way to clean the rivers of the unwanted fish that are in the bodies of water (ex. Silver Carp, BigHead Carp, Buffalo, and Common Carp). These species of carp will in five years, leave nothing else in the water but their own kind while the Bass and all other species suffer. We like to bass fish durring the day and bowfish at night. We would really like for some rule changes to happen and be able to Bowfish all of the public waters at night to help regulate the population. The carp population is out of control where I live now and TWRA has to use tax payer funding to call in crews with large nets to control the population of these intrusive fish. When the nets clear the waters they take many game fish also, NOT GOOD.

On page 11, Section M, "bowfishing equipment" is crossed out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, "Between sunrise and sunset" - This needs to be removed and no restrictions of this sort should be placed on the sport of bowfishing.

I know this is only one voice, but please take this plea into consideration, and we could only hope that there are more people that have noticed this "Petition".

Sincerely,

Brett J. Dennison

Comment Received 12/6/2012 11:39:47 PM

Commenter Name Josh Fouts

City Princeton **County** GIBSON **State** Indiana

E-Mail Address foutsy27@hotmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 11:43:10 PM

Commenter Name John

City Princeton **County** GIBSON **State** IN

E-Mail Address johnnyd5528@gmail.com

Comments On page 11, section M, bowfishing equipment has been removed and needs to be reinstated. If not bowfishing will be considered ILLEGAL on all rivers day and night.
With a over population of Asian carp in the rivers we as bow fishermen are on the front lines in killing/regulating the Asian carp population.

Also on page 11, section P, line 2, this needs to be removed and restated as "day and night".

Bowfishing is a very popular sport and if the laws are changed Indiana revenue from fishing licenses, food, drinks, fuel etc will be used in another state that its still allowed. Please reinstate all day bowfishing for all Indiana waterways.

Comment Received 12/6/2012 11:48:01 PM

Commenter Name aaron galloway

City chandler **County** WARRICK **State** indiana

E-Mail Address gallowaj711@yahoo.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night"

Comment Received 12/6/2012 11:48:47 PM

Commenter Name Jamond heldt

City Francisco **County** GIBSON **State** Indiana

E-Mail Address Jman-gkcalls@hotmail.com

Comments Rule #2. Page 11. Section m. Bowfishin on rivers day and night. Not sunrise to Sunset

Comment Received 12/6/2012 11:50:54 PM

Commenter Name Jamen

City Petersburg **County** PIKE **State** Indiana

E-Mail Address jfrede16@gmail.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 11:53:33 PM

Commenter Name Andrew Fincher

City Akron **County** FULTON **State** Indiana

E-Mail Address landrewfincher@gmail.com

Comments I just read something about it being illegal to bowfish at night on rivers and I have less than ten minutes to respond. Please re-word this rule so it isn't illegal to bowfish rivers at night. My kids and I love to bowfish for Bighead Asian Carp on the Wabash River at night. Of course we pursue other legal species but we've built some great memories out there at night. We've even introduced some of their friends to bowfishing at night. Thank you for your consideration. Gratefully, Andrew Fincher

Comment Received 12/6/2012 11:54:33 PM

Commenter Name Christine Appleberg

City Stanford **County** Out of State **State** Illinois

Organization (optional) Illinois Bowfishers

E-Mail Address Chris@gobowfish.com

Comments Indiana is a destination for IL residents for bowfishing. Making night bowfishing illegal will end most of that. Bowfishing for is more productive at night, particularly for the invasive species. Please do not change the rule to 'sunrise to sunset' only. Thank you.

Christine

Comment Received 12/6/2012 11:54:47 PM

Commenter Name Ed Denton

City logansport **County** CASS **State** Indiana

Organization (optional) ABA

E-Mail Address taurus44magnumss@aol.com

Comments I am a lifetime combo hunting/ fishing license holder And , an avid bOwfisherman. I support the sport and oppose these rule changes restricting bowfishing to dawn til dusk. I fish in several nighttime tournaments which continue the aid in controlling the numbers of these rough species I disagree to any argument to the contrary

Comment Received 12/6/2012 11:57:14 PM

Commenter Name Zach Thompson

City Chandler **County** WARRICK **State** IN

E-Mail Address landcrusier78@yahoo.com

Comments On page 11, Section M, Bowfishing equipment is lined out and needs to be reinstated. If not Bowfishing will be considered ILLEGAL on all rivers day and night.

On page 11, Section P, Line 2, This needs to be removed and restated as "Day and Night".

Comment Received 12/6/2012 11:59:33 PM

EXHIBIT C

DNR Response

An \$800,000 sea lamprey control barrier was completed in the spring of 2012 on Trail Creek in Michigan City. Although it includes a fish ladder to allow movement of migrating fish, there are times when it creates concentrations of fish and becomes an attractive location for illegal snaggers and netters to target trout and salmon. At similar sites on the St. Joseph and Little Calumet rivers, fishing is already prohibited within 100 feet upstream or downstream of these structures. During this fall's salmon migration, DNR staff witnessed large concentrations of fish below the barrier as a result of record low water levels, in addition to a later upstream migration. The proposed language that was given preliminary adoption does not cover approximately 20 feet of river that goes under the bridge north to the Pottawatomie Country Club Golf Course property line at Springfield Avenue. As the result of public comment and documentation by DNR staff of this issue, the DNR is requesting that the rule language in 312 IAC 9-6-6(6) be modified to the following:

(b) On or along Trail Creek in Michigan City in LaPorte County from either of these locations:

- (1) Within one hundred (100) feet upstream (generally southeasterly) of the sea lamprey control barrier.**
- (2) From the sea lamprey control downstream (generally northwesterly) to the Pottawatomie Country Club Golf Course property line, which is located adjacent to Springland Avenue.**

The majority of the public comments relate to bowfishing and the proposed language in 312 IAC 9-7-2(m) and (p). Bowfishing is currently allowed on the eight (8) named rivers in subsection (m) at any time of day. As the result of public comments, the Division of Fish and Wildlife is requesting that the NRC amend the proposed rule language in 312 IAC 9-7-2 (p) to allow bowfishing equipment and crossbows in all rivers and streams statewide, at any time of day, for the following reasons:

- (1) Bowfishing is an effective tool to take Asian carp and common carp. The DNR encourages Asian carp to be taken, and this method is very effective for both common carp and Asian carp at night when these species can be more easily identified and taken with this equipment.
- (2) Restricting bowfishing to daytime only limits opportunities for anglers that do not have the ability to fish during the daytime or have a boat to fish large rivers at night, such as those named in subsection (m).
- (3) Suckers, carp, Asian carp, gar, bowfin, buffalo, and shad are the only species that will be able to be taken with bowfishing equipment and crossbows. Other species of fish, such as smallmouth bass, still could not be taken with this equipment. Furthermore, the use of a fish spear, gig, spear gun, or underwater spear would only be legal to use to take sucker, carp, Asian carp, gar, bowfin, buffalo, or shad and only on the eight (8) named rivers in subsection (m).
- (4) Anglers would still need permission from the landowner to wade or otherwise fish non-navigable rivers and streams. The list of navigable waterways is on the Natural Resources Commission's website at: <http://www.in.gov/nrc/2390.htm>

Therefore, the DNR is requesting that the rule language in 312 IAC 9-7-2(p) be modified to the following:

(p) An individual may use bowfishing equipment or a crossbow on rivers and streams to take any sucker, carp, Asian carp, gar, bowfin, buffalo, or shad.

EXHIBIT D**TITLE 312 NATURAL RESOURCES COMMISSION****Final Rule**

LSA Document #12-403(F)

DIGEST

Amends 312 IAC 9-2-9 to clarify requirements for chasing wild animals with dogs during the hunting or taking season. Amends 312 IAC 9-3-14 by removing the restrictions for nonresidents, restrictions on carrying firearms, and the license requirements to carry a handgun while chasing raccoons and opossums. Amends 312 IAC 9-4-2 by adding license requirements for taking waterfowl. Amends 312 IAC 9-4-5 to add the season for taking lesser snow geese and Ross's geese and specify license requirements for taking geese. Amends 312 IAC 9-4-7.2 to remove Rusty's blackbirds from the list of species of birds that can be taken without a permit. Amends 312 IAC 9-4-15 by adding the monk parakeet as an exempted species of bird. Amends 312 IAC 9-6-1 by adding a definition of Asian carp, specifying the common names for the species of black bass, and amending scientific names. Amends 312 IAC 9-6-6 by modifying the location of one area closed to fishing and adding a new area. Amends 312 IAC 9-7-2 by adding the use of the crossbow, adding the ability to take Asian carp by various methods, removing Oliver Lake where an individual may take smelt, and adding bowfishing equipment and the use of the crossbow for taking certain species of fish on rivers and streams. Amends 312 IAC 9-7-3 by removing Gibson Lake from a location where channel catfish may be taken without regard to a bag limit. Amends 312 IAC 9-7-12 governing the size limit of walleye taken from the Elkhart River in Elkhart County. Amends 312 IAC 9-7-13 by eliminating the daily bag limit for lake trout. Amends 312 IAC 9-7-16 to allow the use of a crossbow and prohibit snagging on the Ohio River. Amends 312 IAC 9-9-3 by removing the references to mussel harvesters and buyers licenses. Amends 312 IAC 9-9-4 by adding the rayed bean as an endangered species of mussel. Amends 312 IAC 9-10-10 governing the special hunting permit for a person with a disability by clarifying requirements and eliminating deadlines for submitting applications. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

312 IAC 9-2-9; 312 IAC 9-3-14; 312 IAC 9-4-2; 312 IAC 9-4-5; 312 IAC 9-4-7.2; 312 IAC 9-4-15; 312 IAC 9-6-1; 312 IAC 9-6-6; 312 IAC 9-7-2; 312 IAC 9-7-3; 312 IAC 9-7-12; 312 IAC 9-7-13; 312 IAC 9-7-16; 312 IAC 9-9-3; 312 IAC 9-9-4; 312 IAC 9-10-10

SECTION 1. 312 IAC 9-2-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-9 Chasing; use of dogs

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 9. (a) **Except as otherwise provided in this article**, an individual may use dogs to chase a wild animal at any time. ~~unless prohibited by law.~~

(b) An individual who uses dogs to chase wild animals **during a taking or hunting season for the species being chased** must comply with the ~~season dates and restrictions established in this article~~ for a dog owned, possessed, or controlled by the individual. **taking or hunting season.** (*Natural Resources Commission; 312 IAC 9-2-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA*)

SECTION 2. 312 IAC 9-3-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-14 Opossums and raccoons

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22; IC 35-47-2

Sec. 14. (a) ~~Except as provided in subsection (b),~~ An individual may do the following:

(1) Take raccoons and Virginia opossums from 8 a.m. on November 8 until noon on January 31 of the following year.

(2) Chase raccoons and Virginia opossums from noon on February 1 until noon on October 25.

~~(b) A nonresident may take raccoons under subsection (a)(1) only to the extent that these raccoon seasons in the state of the nonresident are open to Indiana residents.~~

~~(c) (b)~~ An individual must not ~~do the following~~:

~~(1) Possess a firearm, air rifle, or another device capable of taking a raccoon or Virginia opossum while chasing a raccoon or opossum during the chasing season established under subsection (a)(2).~~

~~(2) remove, attempt to remove, dislodge, or attempt to dislodge a raccoon or Virginia opossum from:~~

~~(A) (1) a tree hollow;~~

~~(B) (2) a hole;~~

~~(C) (3) a den;~~

~~(D) (4) a pocket;~~

~~(E) (5) a cavity;~~

~~(F) (6) a burrow;~~

~~(G) (7) a tile; or~~

~~(H) (8) any other place;~~

where the raccoon or Virginia opossum has secreted itself for security or protection or in which the raccoon maintains a nest or den.

~~(d) Notwithstanding subsection (c)(1), an individual may possess a handgun in accordance with IC 35-47 while chasing raccoons and Virginia opossums under this section if the person:~~

~~(1) has a valid unlimited license to carry a handgun;~~

~~(A) issued under IC 35-47-2-3; or~~

~~(B) recognized under IC 35-47-2-21(b); or~~

~~(2) is not required to possess a license to carry a handgun under IC 35-47-2-2.~~

(Natural Resources Commission; 312 IAC 9-3-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Jan 5, 2011, 3:15 p.m.: 20110202-IR-312100230FRA)

SECTION 3. 312 IAC 9-4-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-2 General requirements for migratory birds and waterfowl

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) The restrictions in this rule supplement state statutes and federal laws that protect migratory birds and waterfowl.

(b) The:

- (1) annual seasons;
- (2) bag limits;
- (3) hunting restrictions; and
- (4) shooting hours;

for migratory birds and waterfowl are as determined under 50 CFR 20.

(c) An individual must not hunt migratory birds and waterfowl, except for mute swans (*Cygnus olor*), unless the individual:

- (1) is registered with; and
- (2) possesses an identification number issued through;

the Harvest Information Program.

(d) Notwithstanding subsection (c), a resident youth hunter participating in a free hunting day for youth hunters as designated by the director is exempt from:

- (1) registration with; and
- (2) possession of an identification number issued through;

the Harvest Information Program.

(e) For purposes of youth free hunting days under IC 14-22-11-18, a youth hunter means an individual who is less than eighteen (18) years of age on the date of the hunt. For purposes of the youth waterfowl season as established in 50 CFR 20.105, the age of a youth hunter is determined under 50 CFR 20.105.

(f) An individual must not take a migratory bird listed as an endangered species in this rule unless the individual possesses a scientific purposes license under 312 IAC 9-10-6.

(g) An individual must not hunt American woodcock (*Scolopax minor*) unless that person wears hunter orange.

(h) An individual must not hunt waterfowl while possessing shot, other than steel shot or another nontoxic shot.

(i) An individual must not construct a hunting blind on the water of the state unless the name and address of the individual who constructs the blind is legibly indicated on the blind.

(j) An individual who constructs a hunting blind must cause the removal of the blind from the water of the state from April 1 through August 15.

(k) An individual must not:
(1) construct or place a permanent blind; or
(2) leave a portable blind overnight;
on property owned or leased by the department.

(l) In order to hunt waterfowl, an individual must satisfy all of the following requirements:

(1) Possess one (1) of the following valid Indiana hunting licenses or be exempt from needing a license as authorized in IC 14-22-11-1:

- (A) A resident yearly hunting license under IC 14-22-12-1(a)(2).**
- (B) A resident yearly hunting and fishing license under IC 14-22-12-1(a)(3).**
- (C) A nonresident yearly hunting license under IC 14-22-12-1(a)(6).**
- (D) A nonresident five-day hunting license under IC 14-22-12-1(a)(10).**
- (E) A nonresident youth yearly hunting license under IC 14-22-12-1(a)(25).**
- (F) A resident youth consolidated hunting and trapping license under IC 14-22-12-1(a)(24) or IC 14-22-11-10(b).**
- (G) A disabled American veteran's hunting license under IC 14-22-12-1.5.**
- (H) An apprentice hunting license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7.**
- (I) A lifetime basic hunting license under IC 14-22-12-7(a)(2).**
- (J) A lifetime comprehensive hunting license under IC 14-22-12-7(a)(4).**
- (K) A lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5).**

(2) Possess a valid Indiana waterfowl stamp privilege issued under IC 14-22-7-4.

(Natural Resources Commission; 312 IAC 9-4-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; errata filed Apr 29, 2010, 3:05 p.m.: 20100512-IR-312090479ACA)

SECTION 4. 312 IAC 9-4-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-5 Geese

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 5. (a) An individual may hunt the following species of geese **in accordance with section 2(b) of this rule:**

- (1) Canada geese (*Branta canadensis*).
- (2) Snow geese (*Chen caerulescens*).
- (3) Greater white-fronted geese (*Anser albifrons*).
- (4) Lesser white-fronted geese (*Anser erythropus*).
- (5) Ross's geese (*Chen rossii*).

(b) An individual must not possess more than the following number of shotgun shells while hunting geese from designated shooting units or sites within Atterbury, Hovey Lake, Kankakee, Jasper-Pulaski, or Pigeon River Fish and Wildlife Areas:

- (1) If the daily limit is one (1) goose, the individual may possess not more than four (4) shotgun shells.
- (2) If the daily limit is two (2) geese, the individual may possess not more than eight (8) shotgun shells.
- (3) If the daily limit is three (3) geese, the individual may possess not more than ten (10) shotgun shells.
- (4) If the daily limit is four (4) geese, the individual may possess not more than twelve (12) shotgun shells.
- (5) If the daily limit is five (5) geese, the individual may possess not more than fourteen (14) shotgun shells.

(c) **In addition to subsection (a), an individual may take a lesser snow goose (*Anser caerulescens*) or a Ross's goose (*Anser rossii*) as follows:**

(1) From February 16 through March 31 in the following counties:

- (A) Adams.**
- (B) Allen.**
- (C) Boone.**
- (D) Clay.**
- (E) Dekalb.**
- (F) Elkhart.**
- (G) Greene.**
- (H) Hamilton.**
- (I) Hancock.**
- (J) Hendricks.**
- (K) Huntington.**
- (L) Johnson.**
- (M) Kosciusko.**
- (N) LaGrange.**
- (O) LaPorte.**
- (P) Madison.**
- (Q) Marion.**

(R) Marshall.
(S) Morgan.
(T) Noble.
(U) Parke.
(V) Shelby.
(W) Starke.
(X) Steuben.
(Y) St. Joseph.
(Z) Sullivan.
(AA) Vermillion.
(BB) Vigo.
(CC) Wells.
(DD) Whitley.

(2) From February 1 through March 31 in all other Indiana counties.

(3) In addition to the license requirements under section 2 of this rule, an individual must obtain a free permit from the department to take a lesser snow goose or Ross's goose under this subsection.

(4) Notwithstanding section 2 of this rule, an individual taking a lesser snow goose or Ross's goose in February or March is exempt from the requirements to register for and possess an identification number through the Harvest Information Program under section 2(d) of this rule.

(Natural Resources Commission; 312 IAC 9-4-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)

SECTION 5. 312 IAC 9-4-7.2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-7.2 Brown-headed cowbirds, common grackles, red-winged blackbirds, rusty blackbirds, Brewer's blackbirds, and crows

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 7.2. An individual may take:

- (1) brown-headed cowbirds (*Molothrus ater*);
- (2) common grackles (*Quiscalus quiscula*);
- (3) red-winged blackbirds (*Agelaius phoeniceus*);
- ~~(4) rusty blackbirds (*Euphagus carolinus*);~~
- ~~(5)~~ (4) Brewer's blackbirds (*Euphagus cyanocephalus*); and
- ~~(6)~~ (5) American crows (*Corvus brachyrhynchos*);

if the birds are committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife or concentrated in numbers and in a manner that constitutes a health hazard or nuisance as provided under ~~50 CFR 16. 50 CFR 21.43.~~ *(Natural Resources Commission; 312 IAC 9-4-7.2; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

SECTION 6. 312 IAC 9-4-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-15 Exempted species of birds

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 15. An individual may take:

- (1) house sparrows (*Passer domesticus*);
- (2) European starlings (*Sturnus vulgaris*); ~~and~~
- (3) rock pigeons (*Columba livia*) (not including homing pigeons); **and**
- (4) monk parakeets (*Myiopsitta monachus*);**

at any time without a license from the department. (*Natural Resources Commission; 312 IAC 9-4-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA*)

SECTION 7. 312 IAC 9-6-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-1 Definitions pertaining to fish and fishing activities

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-34-12

Sec. 1. In addition to the definitions in 312 IAC 9-1, the following definitions apply throughout this rule and 312 IAC 9-7 through 312 IAC 9-10:

- (1) "Alewife" means the species *Alosa pseudoharengus*.
- (2) "American eel" means the species *Anguilla rostrata*.
- (3) "Aquarium pet trade" means the business of importing, producing, or selling live fish for display in:
 - (A) aquariums;
 - (B) tanks; or
 - (C) other continuing exhibits.
- (4) "Asian carp" means the following:**
 - (A) Bighead carp.**
 - (B) Black carp.**
 - (C) Grass carp.**
 - (D) Silver carp.**
- ~~(4)~~ **(5) "Atlantic salmon" means the species *Salmo salar*.**
- ~~(5)~~ **(6) "Bar mesh" means the length of one (1) side of the square mesh measure or as measured between two (2) knots on the same line.**
- ~~(6)~~ **(7) "Bighead carp" means the species *Hypophthalmichthys nobilis*.**
- ~~(7)~~ **(8) "Black bass" means the following species:**
 - ~~(A) *Micropterus salmoides*.~~ **Largemouth bass.**
 - ~~(B) *Micropterus dolomieu*.~~ **Smallmouth bass.**
 - ~~(C) *Micropterus punctulatus*.~~ **Spotted bass.**
- (9) "Black bullhead" means the species *Ictalurus melas*.**
- ~~(8)~~ **(10) "Black carp" means the species *Mylopharyngodon piceus*.**
- ~~(9)~~ **(11) "Black crappie" means the species *Pomoxis nigromaculatus*.**

- (12) **"Bloater" means the species Coregonus hoyi.**
- ~~(40)~~ (13) "Blue catfish" means the species Ictalurus furcatus.
- ~~(41)~~ (14) "Bluegill" means the species Lepomis macrochirus.
- ~~(42)~~ (15) "Bluntnose minnow" means the species Pimephales notatus.
- ~~(43)~~ (16) "Bowfin" means the species Amia calva.
- ~~(44)~~ (17) "Brook trout" means the species Salvelinus fontinalis.
- (18) **"Brown bullhead" means the species Ictalurus nebulosus.**
- ~~(45)~~ (19) "Brown trout" means the species Salmo trutta.
- ~~(46)~~ (20) "Buffalo" means the genus Ictiobus.
- ~~(47)~~ (21) "Bullhead" means the following species:
- (A) ~~Ictalurus melas~~: **Black bullhead.**
 - (B) ~~Ictalurus nebulosus~~: **Brown bullhead.**
 - (C) ~~Ictalurus natalis~~: **Yellow bullhead.**
- ~~(48)~~ (22) "Burbot" means the species Lota lota.
- ~~(49)~~ (23) "Carp" means the species Cyprinus carpio.
- ~~(20)~~ (24) "Cast net" means a net:
- (A) not more than twenty (20) feet in diameter; and
 - (B) having stretch mesh not larger than three-fourths (3/4) inch; or
 - (C) having stretch mesh not larger than two (2) inches if used only on the waters listed in section 8(b)(1) of this rule.
- ~~(21)~~ (25) "Cavefish" means a fish of the family Amblyopsidae.
- ~~(22)~~ (26) "Chain pickerel" means the species Esox niger.
- ~~(23)~~ (27) "Channel catfish" means the species Ictalurus punctatus.
- ~~(24)~~ (28) "Chinook salmon" means the species Oncorhynchus tshawytscha.
- ~~(25)~~ (29) "Chub" means the following species:
- (A) ~~Coregonus hoyi~~: **Bloater.**
 - (B) ~~Coregonus~~ Kiyi.
- ~~(26)~~ (30) "Cisco" means the species Coregonus artedii.
- ~~(27)~~ (31) "Closed aquaculture system" means a rearing facility designed to prevent the escape of cultured organisms to the wild.
- ~~(28)~~ (32) "Coho salmon" means the species Oncorhynchus kisutch.
- ~~(29)~~ (33) "Crappie" means the following:
- (A) White crappie.
 - (B) Black crappie.
- ~~(30)~~ (34) "Dip net" means a dip net:
- (A) not exceeding three (3) feet square;
 - (B) without sides or walls; and
 - (C) having stretch mesh not larger than one-half (1/2) inch.
- ~~(31)~~ (35) "Diploid" means a cell or organism that has two (2) complete sets of chromosomes.
- ~~(32)~~ (36) "Exotic catfish" means a walking catfish or other member of the family Clariidae.
- ~~(33)~~ (37) "Exotic fish" means:
- (A) an exotic catfish;
 - (B) a bighead carp;
 - (C) a black carp;

- (D) a silver carp;
- (E) a white perch;
- (F) a snakehead;
- (G) a rudd;
- (H) a ruffe;
- (I) a tubenose goby;
- (J) a round goby; or
- (K) a hybrid or genetically altered fish of any of these species.
- ~~(34)~~ **(38)** "Fathead minnow" means the species *Pimephales promelas*.
- ~~(35)~~ **(39)** "Flathead catfish" means the species *Pylodictis olivaris*.
- ~~(36)~~ **(40)** "Freshwater drum" means the species *Aplodinotus grunniens*.
- ~~(37)~~ **(41)** "Gaff" or "gaff hook" means an implement:
 - (A) of metal or another hard or tough material;
 - (B) with or without barbs;
 - (C) making a single hook having a shank with or without a handle; and
 - (D) that may be hand held to seize, hold, or sustain fish.
- ~~(38)~~ **(42)** "Gar" means the genus *Lepisosteus*.
- ~~(39)~~ **(43)** "Genetically altered fish" means a fish that is the product of genetic manipulation, including polyploidy, gynogenesis, gene transfer, and hormonal sex control.
- ~~(40)~~ **(44)** "Gizzard shad" means the species *Dorosoma cepedianum*.
- ~~(41)~~ **(45)** "Golden shiner" means the species *Notemigonus crysoleucas*.
- ~~(42)~~ **(46)** "Goldfish" means the species *Carassius auratus*.
- ~~(43)~~ **(47)** "Grab hook" means a device or implement used as a tong to clutch, close down upon, or grasp fish.
- ~~(44)~~ **(48)** "Grass carp" means the ~~genus~~ **species** *Ctenopharyngodon idella*.
- ~~(45)~~ **(49)** "Green sunfish" means the species *Lepomis cyanellus*.
- ~~(46)~~ **(50)** "Hybrid striped bass" means the hybrid of striped bass and white bass.
- ~~(47)~~ **(51)** "Hybrid sunfish" means a hybrid of the genus *Lepomis*.
- (52) "Kiyi" means the species *Coregonus kiyi*.**
- ~~(48)~~ **(53)** "Lake herring" means the species *Coregonus artedii*.
- ~~(49)~~ **(54)** "Lake sturgeon" means the species *Acipenser fulvescens*.
- ~~(50)~~ **(55)** "Lake trout" means the species *Salvelinus namaycush*.
- ~~(51)~~ **(56)** "Lake whitefish" means the species *Coregonus clupeaformis*.
- ~~(52)~~ **(57)** "Largemouth bass" means the species *Micropterus salmoides*.
- ~~(53)~~ **(58)** "Minnow seine" means a seine or net:
 - (A) not more than twelve (12) feet long and four (4) feet deep; and
 - (B) having stretch mesh not larger than one-half (1/2) inch.
- ~~(54)~~ **(59)** "Minnow trap" means a fish trapping device not exceeding twenty-four (24) inches long. The opening of the throat shall not exceed one (1) inch in diameter.
- ~~(55)~~ **(60)** "Mosquitofish" means the species *Gambusia affinis*.
- ~~(56)~~ **(61)** "Muskellunge" means the species *Esox masquinongy*.
- ~~(57)~~ **(62)** "Northern pike" means the species *Esox lucius*.
- ~~(58)~~ **(63)** "Quagga mussel" means the species *Dreissena bugensis*.
- ~~(59)~~ **(64)** "Paddlefish" means the species *Polyodon spathula*.
- ~~(60)~~ **(65)** "Rainbow trout" means the species *Oncorhynchus mykiss*.

- ~~(61)~~ **(66)** "Redear sunfish" means the species *Lepomis microlophus*.
- ~~(62)~~ **(67)** "Rock bass" means the species *Ambloplites rupestris*.
- ~~(63)~~ **(68)** "Round goby" mean the species *Neogobius melanostomus*.
- ~~(64)~~ **(69)** "Rudd" means the species *Scardinius erythrophthalmus*.
- ~~(65)~~ **(70)** "Ruffe" means the species *Gymnocephalus cernuus*.
- ~~(66)~~ **(71)** "Sauger" means the species ~~*Stizostedion canadense*~~ ***Sander canadensis***.
- ~~(67)~~ **(72)** "Saugeye" means the hybrid of walleye and sauger.
- ~~(68)~~ **(73)** "Shad" means the following genera:
 - (A) *Alosa*.
 - (B) *Dorosoma*.
- ~~(69)~~ **(74)** "Shovelnose sturgeon" means the species *Scaphirhynchus platyrhynchus*.
- ~~(70)~~ **(75)** "Silver carp" means the species *Hypophthalmichthys molitrix*.
- ~~(71)~~ **(76)** "Single hook" means a fishing hook consisting of the following:
 - (A) One (1) shank.
 - (B) One (1) point.
- ~~(72)~~ **(77)** "Smallmouth bass" means the species *Micropterus dolomieu*.
- ~~(73)~~ **(78)** "Smelt" means the genus *Osmerus*.
- ~~(74)~~ **(79)** "Snakehead" means all species of the family *Channidae*, including the following genera:
 - (A) *Channa*.
 - (B) *Parachanna*.
- ~~(75)~~ **(80)** "Sockeye salmon" means the species *Oncorhynchus nerka*.
- ~~(76)~~ **(81)** "Sport fish" means any of the following:
 - (A) Largemouth bass.
 - (B) Smallmouth bass.
 - (C) Spotted bass.
 - (D) Rock bass.
 - (E) White crappie.
 - (F) Black crappie.
 - (G) Walleye.
 - (H) Sauger.
 - (I) Saugeye.
 - (J) Striped bass.
 - (K) White bass.
 - (L) Hybrid striped bass.
 - (M) Yellow bass.
 - (N) Muskellunge.
 - (O) Tiger muskellunge.
 - (P) Northern pike.
 - (Q) Chain pickerel.
 - (R) Trout or salmon.
- ~~(77)~~ **(82)** "Spotted bass" means the species *Micropterus punctulatus*.
- ~~(78)~~ **(83)** "Steelhead" means the species *Oncorhynchus mykiss*.
- ~~(79)~~ **(84)** "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.
- ~~(80)~~ **(85)** "Striped bass" means the species *Morone saxatilis*.

~~(81)~~ **(86)** "Sucker" means the following genera:

- (A) Carpiodes.
- (B) Moxostoma.
- (C) Hypentelium.
- (D) Catostomus.
- (E) Erimyzon.

~~(82)~~ **(87)** "Threadfin shad" means the species *Dorosoma petenense*.

~~(83)~~ **(88)** "Tiger muskellunge" means the hybrid of muskellunge and northern pike.

~~(84)~~ **(89)** "Tilapia" means all species of the genus *Tilapia*.

~~(85)~~ **(90)** "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.

~~(86)~~ **(91)** "Trout or salmon" means the following:

- (A) Lake trout.
- (B) Coho salmon.
- (C) Chinook salmon.
- (D) Sockeye salmon.
- (E) Brown trout.
- (F) Steelhead (or rainbow trout).
- (G) Brook trout.
- (H) Atlantic salmon.

~~(87)~~ **(92)** "Tubenose goby" means the species *Proterorhinus marmoratus*.

~~(88)~~ **(93)** "Walleye" means the species ~~*Stizostedion vitreum*~~ ***Sander vitreus***.

~~(89)~~ **(94)** "Warmouth" means the species *Lepomis gulosus*.

~~(90)~~ **(95)** "White bass" means the species *Morone chrysops*.

~~(91)~~ **(96)** "White catfish" means the species *Ictalurus catus*.

~~(92)~~ **(97)** "White perch" means the species *Morone americana*.

~~(93)~~ **(98)** "White crappie" means the species *Pomoxis annularis*.

~~(94)~~ **(99)** "Yellow bass" means the species *Morone mississippiensis*.

(100) "Yellow bullhead" means the species *Ictalurus natalis*.

~~(95)~~ **(101)** "Yellow perch" means the species *Perca flavescens*.

~~(96)~~ **(102)** "Zebra mussel" means the species *Dreissena polymorpha*.

(Natural Resources Commission; 312 IAC 9-6-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3866; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 22, 2011, 1:13 p.m.: 20110323-IR-312100501FRA)

SECTION 8. 312 IAC 9-6-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-6 Areas closed to fishing

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 6. An individual must not take or possess fish at any of the following locations:

- (1) From April 1 through June 15 from the following:
 - (A) The **confluence of the west branch and** east branch of the Little Calumet River ~~also known as~~ **where it enters** the Portage Burns Waterway (formerly known as Burns Ditch), in Porter County ~~from U.S. 12 upstream up the east branch~~ to U.S. 20, excluding its tributaries.
 - (B) Trail Creek in LaPorte County from the Franklin Street Bridge in Michigan City upstream to U.S. 35, excluding its tributaries.
- (2) Within one hundred (100) feet above or below the Linde Dame (Prax Air) on the East Branch of the Little Calumet River within Porter County (northeast quarter of section 32, township 37 north, range 6 west).
- (3) From the East Race waterway in the city of South Bend in St. Joseph County.
- (4) From the St. Joseph River in St. Joseph County:
 - (A) within one hundred (100) feet of the entrance or exit of the East Race waterway;
 - (B) from the fish ladders located at the South Bend dam in the city of South Bend or the Downtown Mishawaka dam in the city of Mishawaka;
 - (C) within one hundred (100) feet of the entrances and exits of those fish ladders located at the South Bend dam or the Downtown Mishawaka dam; and
 - (D) while fishing from a boat within two hundred (200) feet downstream of the South Bend dam or downstream of the Downtown Mishawaka dam to the Main Street bridge in the city of Mishawaka.
- (5) From April 15 to the last Saturday in April from the following:
 - (A) The Pigeon River (and Pigeon Creek) in LaGrange County from the Steuben County line to County Road 410 East (Troxel's bridge), but excluding the impoundment known as the Mongo Mill Pond.
 - (B) Harding Run, Curtis Creek, Bloody Run, and Graveyard Run (tributaries of the Pigeon River) in LaGrange County.
 - (C) Turkey Creek north of County Road 100 South in LaGrange County.
 - (D) Rainbow Pit located in the Pigeon River Fish and Wildlife Area approximately one and one-tenth (1.1) miles east of Ontario in LaGrange County.
 - (E) Little Elkhart River in LaGrange and Elkhart counties.
 - (F) Rowe-Eden Ditch in LaGrange and Elkhart counties.
 - (G) Solomon Creek in Elkhart County.
 - (H) Cobus Creek in Elkhart County.
 - (I) Little Kankakee River in LaPorte County from County Road 800E upstream to Division Road.
 - (J) Spy Run within Franke Park in Allen County.
 - (K) Mississinewa River within the boundaries of the Randolph County Wildlife Management Area.
 - (L) Big Blue River within the boundaries of Wilbur Wright State Fish and Wildlife Area in Henry County.
 - (M) Jackson Creek upstream of Yellowwood Lake in Brown County.
- (6) On or along Trail Creek in Michigan City in LaPorte County from either of these locations:**
 - (A) Within one hundred (100) feet upstream (generally southeasterly) of the sea lamprey control barrier.**

(B) From the sea lamprey control downstream (generally northwesterly) to the Pottawatomie Country Club Golf Course property line, which is located adjacent to Springland Avenue.

(Natural Resources Commission; 312 IAC 9-6-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 9. 312 IAC 9-7-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-2 Sport fishing methods, except on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) Except as provided under section 16 of this rule with respect to the Ohio River, this section governs the lawful methods for fishing under this rule.

(b) An individual may take fish with the aid of illumination of any of the following:

- (1) A spotlight.
- (2) A searchlight.
- (3) An artificial light.

(c) An individual may take fish with not more than three (3) poles, hand lines, or tip-ups at a time. Except as provided in subsections (g) and (k), an individual must affix to each line not more than two (2) hooks or two (2) artificial baits or harnesses for use with live bait.

(d) An individual must not take fish from:

- (1) waters containing state-owned fish;
- (2) waters of the state; or
- (3) boundary waters;

by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

(e) An individual must not take trout or salmon from a water of the state unless the fish is hooked in the mouth.

(f) An individual must not fish with more than ten (10) limb lines or drop lines at a time. Each line:

- (1) shall have not more than one (1) hook affixed;
- (2) must bear a legible tag with the name and address of the user; and
- (3) shall be attended at least once every twenty-four (24) hours.

A limb line or drop line shall not be used within three hundred (300) yards of a dam that wholly or partly crosses a water of the state.

(g) An individual must not ice fish on waters of the state, except as follows:

(1) A tip-up (a device that uses a flag to signal when a fish takes the bait from a fishing line) must:

(A) be constantly in sight of the user; and

(B) have affixed a legible tag bearing the name and address of the user.

(2) An ice fishing shelter must visibly bear the name and address of the owner in three (3) inch block letters on the outside of the door.

(3) An ice fishing shelter that is on the waters between sunset and sunrise must have, on each side of the structure or shelter, at least one (1) red reflector or a three (3) inch by three (3) inch reflective material strip.

(4) An ice fishing shelter must be removed from the waters before ice-out.

(5) Except from January 1 through February 15, an ice fishing shelter must be removed daily.

(h) An individual must not take fish with more than one (1) trotline, set line, or throw line. A line must have not more than fifty (50) hooks affixed. A trotline must be:

(1) anchored to the bottom; or

(2) set not less than three (3) feet below the surface of the water.

A legible tag with the name and address of the user must be affixed to each trotline. Each trotline must be attended at least once every twenty-four (24) hours. An individual must not take fish from Lake Michigan with a trotline, set line, or throw line.

(i) An individual must not take fish from a lake with free-float lines or fish from a river or stream with more than five (5) freefloat lines. Not more than one (1) hook shall be affixed to each line. A free-float line:

(1) shall bear the name and address of the user; and

(2) must not be constructed of glass.

Each free-float line must be in constant attendance by the person fishing.

(j) An individual must not possess a fish spear, gig, gaff, pitchfork, bowfishing equipment, crossbow, grab hook, spear gun, club, snag hook, or underwater spear in, on, or adjacent to any of the following:

(1) The Galena River (LaPorte County).

(2) Trail Creek (LaPorte County).

(3) The East Branch of the Little Calumet River (LaPorte and Porter counties).

(4) Salt Creek (Porter County).

(5) The West Branch of the Little Calumet River (Lake and Porter counties).

(6) Portage Burns Waterway (formerly known as Burns Ditch) (Porter and Lake counties).

(7) Deep River downstream from the dam at Camp 133 (Lake County).

(8) The tributaries of these waterways.

(k) An individual must not fish the waterways described in subsection (j) or from the St. Joseph River and its tributary streams from the Twin Branch dam downstream to the Michigan state line (St. Joseph County) with more than one (1) single hook per line or one (1) artificial bait or harness for use with live bait. Single hooks, including those on artificial baits, shall not exceed one-half (1/2) inch from point to shank. Double and treble hooks on artificial baits shall not exceed three-eighths (3/8) inch from point to shank.

(l) An individual may take smelt from March 1 through May 30 only from Lake Michigan ~~and Oliver Lake in LaGrange County~~ and only by the use of dip nets, seines, or nets as follows:

(1) One (1) dip net not to exceed twelve (12) feet in diameter.

(2) One (1) seine or net:

(A) not to exceed twelve (12) feet long and six (6) feet deep; and

(B) having a stretch mesh larger than one and one-half (1 1/2) inches.

Each seine or net shall have affixed a legible tag with the name and address of the user.

(m) An individual may, by means of a fish spear, gig, spear gun, ~~bowfishing equipment~~, or underwater spear, take only any sucker, carp, **Asian carp**, gar, bowfin, buffalo, or shad and only from the following ~~waterways:~~ **rivers:**

(1) West Fork of the White River from its junction with the East Fork upstream to the dam below the Harding Street generating plant of the Indianapolis Power and Light Company in Marion County.

(2) East Fork of the White River from its junction with the West Fork upstream to the dam at the south edge of the city of Columbus in Bartholomew County.

(3) White River from its junction with the West Fork of the White River and East Fork of the White River to its junction with the Wabash River in Gibson, Knox, and Pike counties.

(4) Wabash River from its junction with the Ohio River upstream to State Road 13 at the south edge of the city of Wabash in Wabash County.

(5) Tippecanoe River upstream from its junction with the Wabash River to one-half (1/2) mile below its junction with Big Creek in Carroll County. An individual must not possess a fish spear or fish gig in, on, or adjacent to the Tippecanoe River from one-half (1/2) mile below its junction with Big Creek in Carroll County upstream to the Oakdale Dam that forms Lake Freeman.

(6) Maumee River from the Ohio state line upstream to the Anthony Boulevard Bridge in the city of Fort Wayne.

(7) Kankakee River from the Illinois state line upstream to State Road 55 bridge south of the city of Shelby in Lake County.

(8) St. Joseph River in St. Joseph and Elkhart counties.

(n) In addition to any other lawful method, an individual may take a sucker, carp, **Asian carp**, gar, bowfin, buffalo, or shad by:

(1) ~~bow and arrows~~ **bowfishing equipment or crossbow** from Lake Michigan; or

(2) spear, gig, spear gun, underwater spear, **crossbow**, or ~~bow and arrows~~ **bowfishing equipment** from another lake.

(o) An individual may take a sucker, carp, **Asian carp**, gar, or bowfin with not more than one (1) snare only between sunrise and sunset.

(p) An individual may use bowfishing equipment or a crossbow on rivers and streams to take any sucker, carp, Asian carp, gar, bowfin, buffalo, or shad.

(Natural Resources Commission; 312 IAC 9-7-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1537; errata filed Feb 26, 2002, 6:00 p.m.: 25 IR 2254; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 547; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 10. 312 IAC 9-7-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-3 Catfish

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 3. (a) An individual must not take or possess a channel catfish, blue catfish, or flathead catfish from a river or stream unless the catfish is at least ten (10) inches long. An individual may take or possess an unlimited number of channel catfish, blue catfish, or flathead catfish from a river or stream.

(b) Except as otherwise provided in subsection (c), an individual may take or possess not more than ten (10) catfish in aggregate of any size from a lake or reservoir per day.

(c) Notwithstanding subsection (b), an individual may take channel catfish from ~~Gibson Lake (Gibson County)~~ and Turtle Creek Reservoir (Sullivan County) without regard to a bag limit. *(Natural Resources Commission; 312 IAC 9-7-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*

SECTION 11. 312 IAC 9-7-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-12 Walleye; sauger; saugeye

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 12. (a) An individual may take or possess not more than six (6) of any combination of walleye, sauger, or saugeye per day.

(b) Except on the Ohio River, and as provided in subsection (c), an individual must not take or possess a walleye or saugeye unless it is at least fourteen (14) inches long.

(c) An individual must not take or possess a walleye from the St. Joseph River in St. Joseph County or Elkhart County **or from the Elkhart River from its confluence with the St. Joseph River to the first dam in Elkhart County** unless ~~it~~ **the walleye** is at least fifteen (15) inches long. *(Natural Resources Commission; 312 IAC 9-7-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 20030728-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*

27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 12. 312 IAC 9-7-13 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-13 Trout and salmon

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 13. (a) Except as provided in subsections (b) and (c), an individual must not take or possess a brook trout, rainbow trout, or brown trout from a stream or river except as follows:

(1) The trout is at least seven (7) inches long.

(2) Not more than five (5) trout are taken per day, of which not more than one (1) may be a brown trout. ~~and not more than three (3) may be lake trout.~~

(3) The trout are taken from the last Saturday of April after 6 a.m., local time, through December 31.

(4) If brown trout are taken from the East Fork of the Whitewater River downstream of Brookville Reservoir in Franklin County, the brown trout are at least eighteen (18) inches long.

(b) An individual may fish for brook trout, brown trout, lake trout, or rainbow trout from January 1 through April 14 on streams or rivers provided that all fish are released in accordance with 312 IAC 9-6-4.

(c) Notwithstanding subsection (a), an individual may fish for brook trout, brown trout, lake trout, or rainbow trout in the following streams and rivers in Elkhart County provided that all fish are released in accordance with 312 IAC 9-6-4:

(1) The Little Elkhart River from County Road 43 downstream to County Road 16, except for waters along Riverbend Park from County Road 16 upstream to the pedestrian footbridge.

(2) Solomon Creek from County Road 33 downstream to its confluence with the Elkhart River.

(3) Cobus Creek from Old U.S. 20 downstream to its confluence with the St. Joseph River.

An individual may use artificial lures and artificial flies. Fishing with live or natural baits, food products, or chemical attractants is prohibited.

(d) An individual may take and possess a trout or salmon from a lake only as follows:

(1) At any time of year.

(2) Not more than five (5) trout or salmon are taken per day, of which not more than one (1) may be a brown trout. ~~and not more than three (3) may be lake trout.~~

(3) The brown trout are at least eighteen (18) inches long if taken from Oliver Lake, Olin Lake, or Martin Lake in LaGrange County.

(e) An individual must not take or possess a trout or salmon taken from Lake Michigan or its tributaries unless:

- (1) The fish is at least fourteen (14) inches long.
- (2) Not more than five (5) trout and salmon are taken in aggregate under this subsection per day, of which not more than two (2) shall be lake trout.
- (3) The individual possesses not more than a single day's bag limit identified in this subsection while fishing on Lake Michigan.

Exempted from this subsection, however, are trout or salmon taken from the St. Joseph River in St. Joseph and Elkhart counties and its tributaries upstream from the Twin Branch Dam.

(f) The areas closed to trout and salmon fishing under this section are in addition to areas closed to all fishing under 312 IAC 9-6-6. (*Natural Resources Commission; 312 IAC 9-7-13; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3722; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA*)

SECTION 13. 312 IAC 9-7-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-16 Sport fishing on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 16. (a) This section governs fishing on the Ohio River, excluding all bays and tributaries.

(b) An individual must not take sport fish except by any of the following:

(1) Fishing pole or hand line.

(2) Float fishing.

(3) Setlines:

(A) attached to:

(i) a tree limb;

(ii) a tree trunk;

(iii) a bank pole; or

(iv) the bank itself; and

(B) each bearing one (1) single or multibarbed hook.

(4) Not more than two (2) trotlines per individual. Each trotline shall have not more than fifty (50) single or multibarbed baited hooks placed not closer together than eighteen (18) inches. All trotlines must be tended at least once every twenty-four (24) hours.

(c) An individual may take an exempted species of fish as defined in 312 IAC 9-6-10, by the methods prescribed in subsection (b) or according to the following methods:

(1) Long bow, including compound bow, **or crossbow** with an arrow having one (1) or more barbs and a line attached. An exempted species of fish without scales shall not be taken with bow and arrow **or crossbow** during nighttime hours (from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise).

(2) Giggling from February 1 through May 10 with any pronged or barbed instrument attached to the end of a rigid object. A person must not take fish by giggling from a boat or platform.

(d) An individual must not take fish under this section by means of a hook dragged or jerked through the water with the intent to snag fish on contact.

~~(d)~~ (e) An individual must not take fish within two hundred (200) yards below any dam on the Ohio River except by fishing pole or hand line.

~~(e)~~ (f) An individual must not take minnows from the Ohio River except by:

- (1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor having a throat opening greater than one (1) inch in diameter;
- (2) a dip net not to exceed three (3) feet in diameter;
- (3) a minnow seine not to exceed thirty (30) feet long and six (6) feet deep nor having mesh size larger than one-fourth (1/4) inch bar mesh;
- (4) a cast net; or
- (5) lawful fishing methods provided in this section.

~~(f)~~ (g) An individual may take fish in the Ohio River only by sport fishing methods authorized under this section as follows:

	Daily Bag	Possession Limit	Size (Inches)
Bass (largemouth, smallmouth, and spotted)	6	12	12 (except no size limit on spotted bass)
Bass (white, yellow, striped, and hybrids)	30	60	Not more than 4 fish can be 15 or longer
Rock bass	15	30	none
Walleye, sauger, and saugeye	10	20	none
Muskellunge and tiger muskellunge	2	2	30
Crappie	30	60	none

(h) An individual may, by means of a fish spear, gig, spear gun, bowfishing equipment, crossbow, or underwater spear, take an Asian carp, sucker, carp, gar, bowfin, buffalo, or shad. *(Natural Resources Commission; 312 IAC 9-7-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; errata filed Nov 24, 1997, 4:30 p.m.: 21 IR 1347; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Feb 22, 2011, 1:13 p.m.: 20110323-IR-312100501FRA)*

SECTION 14. 312 IAC 9-9-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-9-3 Mussels

Authority: IC 14-10-2-4; IC 14-22-2-6;

Affected: IC 14-22-2-4; IC 14-22-17-3

Sec. 3. ~~(a) This section applies to an individual who:~~

- ~~(1) takes;~~
- ~~(2) ships;~~
- ~~(3) sells;~~
- ~~(4) buys; or~~
- ~~(5) exports;~~

~~mussels or mussel shells.~~

~~(b)~~ **(a)** Except as otherwise provided under this section, an individual must not take mussels and mussel shells from the waters of the state.

~~(c)~~ **(b)** An individual must not possess mussels or mussel shells except with a:

- (1) scientific purposes license under 312 IAC 9-10-6; or
- (2) special purpose possession permit for mussel shells obtained from the department for educational purposes only under IC 14-22-2-4.

~~(d)~~ **(c)** An individual must not import, possess, or release into public or private waters, a zebra mussel, quagga mussel (*Drissena* sp.), or Asiatic clam (*Corbicula* sp.).

~~(e)~~ **(d)** An individual who takes a mussel listed in subsection (d) does not violate this section if the mussel taken is killed immediately upon capture.

~~(f)~~ **(e)** An individual may possess a live mussel listed in subsection (d) if the mussel is held under a scientific purposes license issued under 312 IAC 9-10-6.

~~(g)~~ **(f)** No license under IC 14-22-17-3(1) or IC 14-22-17-3(3) shall be issued to:

- (1) take;
- (2) possess;
- (3) ship;
- (4) sell;
- (5) buy; or
- (6) export;

~~mussels or mussel shells.~~

~~(h)~~ A person may obtain a license under IC 14-22-17-3(2) only if the person establishes that the person:

- ~~(1) Held a valid 1991 license issued under IC 14-22-17-3(2).~~
- ~~(2) Held a valid license issued under IC 14-22-17-3(2) for the year immediately before the year for which the new license is sought.~~
- ~~(3) Meets all other requirements of this article and IC 14-22.~~

~~(i)~~ A person issued a license under IC 14-22-17-3(2) shall not possess mussels or mussel shells unless the following requirements are satisfied:

- ~~(1) The mussels or mussel shells were lawfully taken.~~
- ~~(2) The mussels or mussel shells were received from:~~

~~(A) a person who presented a valid buyer's license issued under IC 14-22-17-3(2);~~

- ~~(B) a valid out-of-state license to buy mussels; or~~
- ~~(C) a valid out-of-state license to take mussels.~~

~~(j) A person issued a license under IC 14-22-17-3(2) must maintain accurate and current records of each of the following:~~

- ~~(1) The name, address, date of delivery, license number, and the state where the license is held for each person from whom mussels or mussel shells are received.~~
- ~~(2) The species, pounds for each species, and the price paid for each species of mussel or mussel shells received.~~

~~(k) The records required under subsection (j) must be retained by the license holder for at least two (2) years after the end of the license year.~~

~~(l) A person issued a license under IC 14-22-17-3 must, at any reasonable time, submit to an inspection by the division or by a conservation officer of the following:~~

- ~~(1) Any mussels possessed by the person.~~
- ~~(2) The records required under this section.~~

~~(m) The requirements of this section, which apply to a person issued a license, also apply to a person who:~~

- ~~(1) does not obtain a license; and~~
- ~~(2) conducts an activity for which a license is required.~~

(Natural Resources Commission; 312 IAC 9-9-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 15. 312 IAC 9-9-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-9-4 Endangered species of invertebrates

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-34-12

Sec. 4. The following species of invertebrates are endangered and are subject to the protections provided under IC 14-22-34-12:

- (1) Rabbitsfoot (*Quadrula cylindrica cylindrica*).
- (2) Sheepnose (*Plethobasus cyphus*).
- (3) Clubshell (*Pleurobema clava*).
- (4) Pyramid pigtoe (*Pleurobema rubrum*).
- (5) Fanshell (*Cyprogenia stegaria*).
- (6) Snuffbox (*Epioblasma triquetra*).
- (7) Orangefoot pimpleback (*Plethobasus cooperianus*).
- (8) Pink mucket (*Lampsilis abrupta*).
- (9) Fat pocketbook (*Potamilus capax*).
- (10) Rough pigtoe (*Pleurobema plenum*).
- (11) Tubercled blossom (*Epioblasma torulosa torulosa*).
- (12) White catpaw (*Epioblasma obliquata perobliqua*).

(13) Northern riffleshell (*Epioblasma torulosa rangiana*).

(14) Longsolid (*Fusconaia subrotunda*).

(15) White wartyback (*Plethobasus cicatricosus*).

(16) Rayed bean (*Villosa fabalis*).

(Natural Resources Commission; 312 IAC 9-9-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; filed May 16, 2002, 12:25 p.m.: 25 IR 3049; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 16. 312 IAC 9-10-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-10 Hunting permit for persons with disabilities

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 10. (a) The ~~department~~ **division of fish and wildlife** may issue a permit under this section to an individual with a disability to take ~~wildlife~~, **a wild animal**, if the disability would otherwise make the taking of ~~wildlife~~ **a wild animal** by the individual difficult or impossible.

(b) An individual shall ~~make application under this section as follows:~~

~~(1) The initial application shall be made~~ **must apply for a permit** on a **completed and signed** departmental form and ~~delivered to the division by July 1 for the current year hunting season.~~

~~(2) The initial application must be accompanied by~~ **that includes** a statement of disability completed by a **licensed physician or nurse practitioner.**

~~(3) The division shall review each completed application. If an application is not recommended for approval, the applicant shall be notified by mail.~~

~~(4)~~ (c) Except as otherwise provided in this subdivision, no renewal application is required unless the disability is temporary as indicated by a licensed physician **or nurse practitioner.** A ~~temporary permit applies from August 15~~ **issued to an individual with a temporary disability is effective from the date of issuance** through the last day of the spring wild turkey hunting season established under 312 IAC 9-4-11.

~~(e) An individual issued~~ (d) **The division may issue** a permit under this section ~~may that~~ **authorizes an individual to** hunt wild animals from a stationary motor driven conveyance subject to the following restrictions:

(1) The permit holder must:

(A) abide by all other hunting laws;

(B) possess a valid hunting license and the permit issued under this section; and

(C) obtain in advance the permission of the manager of public property (local, state, or federal) to gain vehicular access to lands or roads that are otherwise closed to vehicular traffic.

(2) The permit holder ~~may~~ **must** display a windshield identification placard supplied by the division of fish and wildlife while hunting from a vehicle. The placard must be displayed in such a way as to be visible from at least fifty (50) feet.

~~(d)~~ (e) An individual may be designated to assist an individual issued a permit under this section in the retrieval of wild game harvested by the permit holder.

~~(e)~~ (f) The ~~director~~ **division** may waive other provisions of ~~312 IAC 9-3~~ **this article** for an individual issued a permit under this section. ~~The use of a crossbow may be specially authorized during archery season for hunting deer.~~ *(Natural Resources Commission; 312 IAC 9-10-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2731; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 552; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*